Page 2

PETITION UNDER 28 U.S.C. § 2254 FOR WRIT OF HABEAS CORPUS BY A PERSON IN STATE CUSTODY

13-2688

United States District Court	District MIDDIE OF PA
Name (under which you were convicted): LEVI LAPP STOLTZ POOS	
Place of Confinement: SCI - CONLTOWNSHIP.	Prisoner No.: HR-7274
etitioner (include the name under which you were convicted)	i) Respondent (suthering)
LEVI LAPP STOLTZ FOOS	Vale and Winds
The Attorney General of the State of PENNSY	YLANIA FILED SCRANTON
Pl	PETITION NOV 0 1 2013
(a) Name and location of court that entered the jud Court & Coury plens	adgment of conviction you are challenging. PER DEPUTY CLE
(b) Criminal docket or case number (if you know):): CP-36-CR-5995-2006
(a) Date of the judgment of conviction (if you know	OW): JULY 22, 2008 - MAY 8-2008
7	2006
Length of sentence:	
In this case, were you convicted on more than one of	e count or of more than one crime? Yes 🖫 No 🖸
Identify all crimes of which you were convicted and	nd sentenced in this case:
IN DEOCHES OF CONTROL TO	PAICSA. \$ 5111(a)(3) Dealith
CURRENCY TEMPRETION R	cepoet c
(a) What was your plea? (Check one)	
(1) 37-4 114 114	
(S	(3) Nolo contendere (no contest)
(4	(4) Insanity plea
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	The state of the s
c) If your words and a second	
c) If you went to trial, what kind of trial did you	have? (Check one)
Jury 💆 Judge only 🔾	
Did you testify at a pretrial hearing, trial, or a po	st-trial hearing?
Yes 🗆 No 🖫	
old you appeal from the judgment of conviction	
Yes 🖾 No 🗆	
you did appeal, answer the following:	
a) Name of court: SUPER (OR Care	TOPP
) Docket or case number (if you know):	30 MAA - 2010
e) Result: Devisi	
) Date of result (if you know): 7 -	22-08
) Citation to the case (if you know):	
Grounds raised FUSCICION	GROUNDS FOR CONVICTION DA
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COUNTY TON SON SOND	1101111 - 50 1/1 - + + + + + + + + + + + + + + + + + +
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Did you seek further review by a higher state of the seek further	Ch Augus Havi Ved (Alian IN

(h) Did you file a petition for certional in the xx to a	٠.	
(h) Did you file a petition for certiorari in the United State If yes, answer the following:	s Supreme Court	? Yes 🖸 No 🕮
	•	
(1) Docket or case number (if you know):(2) Result:		
(2) Result:		
(2) Data of		
(3) Date of result (if you know):		
(4) Citation to the case (if you know):	,	
Other than the direct appeals listed above, have you previo	usly filed any oth	er petitions, applications, or
any state court?		
Yes No 🖸		
If your answer to Question 10 was "Yes," give the following	g information:	
(a) (1) Name of court: Court & Comman p	bens OF LA	verstore Count
(2) Docket or case number (if you know).	D-36	10000
(3) Date of filing (if you know): 12-5	2008	
(4) Nature of the proceeding: DCRA	*	A STATE OF THE STA
(5) Grounds raised: IW SOFFICIANT EVILLE STORY	DENCE, UN	CONSTITUTION
STANE - OVER BROWN STATUE	IL FELT	DA CONST
RE-INSPRIMENT OF APPORT	72 (17 40	with white.
(6) Did you receive a hearing when with		
(6) Did you receive a hearing where evidence was given Yes O No Z	on your petition,	application, or motion?
(7) Result: Devial		
(8) Date of result (if you know): 12-5-20	-	
if you filed any second petition, application, or motion, gName of court:	ive the same info	mation:
(2) Docket or case number (if you know):		
(3) Date of filing (if you know):		1.
(4) Nature of the proceeding:	<u></u>	
(4) Nature of the proceeding:(5) Grounds raised:		
(4) Nature of the proceeding:(5) Grounds raised:		
(5) Grounds raised:		

		Pa
(6) Did you receive a hearing	where evidence wa	as given on your petition, application, or motion?
Yes 🗆 No 🖸		services, application, or motion?
(7) Result:	·	
If you filed any third petition, a	pplication, or moti	ion, give the same information:
(1) Name of court:		on, give the same information:
(2) Docket or case number (if	vou know):	
(3) Date of filing (if you know		
(4) Nature of the proceeding:		
· · ·		
(6) Did you receive a hearing w	there existence	
Yes O No O	viere evidence was	s given on your petition, application, or motion?
(7) Result:		
(8) Date of result (if you know)		
· · ·		
ication, or motion?	ite court naving ju	risdiction over the action taken on your petition,
	EN No D	
	Ø № □	
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- > and not abbeat to tite tilklit	os siaic coutt navi	ng jurisdiction, explain why you did not:
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	laws, or treaties of the United States. Attach additional facts supporting each ground.	pages 11 you have more than four grounds. State the
	zazze supporting each ground,	
	CAUTION: To proceed in the federal court, you must on	
	remedies on each ground on which you request action by	tumatny hist exhaust (use up) your available state-cou
	grounds in this petition, you may be barred from present	ing additional and a set forth all the
	The state of the s	ang additional grounds at a later date.
G	GROUND ONE: STATUE IS PACCISALS	5111 (a) (3) 15 UN CANSON STIANS
a)	a) Supporting facts (Do not argue or cite law. Just state the s	pecific facts that support your claim):
	JAPAGE IX DAY 1 . S.JL & S.III MAR	1 m 2 1/1 it 1
1	NOW DE SUBSECTION (A)(3) & HEREAS,	THE MAIN FRAME OF THE STAY
	NOUDE SUBSECTION (A)(3) WHEREAS, 15 "DONNING IN PROCESS OF UNLO	util ActiVilizing
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)) If you did not exhaust your state remedies on Ground One	explain why:
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١.	Direct Appeal of Ground One:	
,	(1) 70	
,	(1) It you appealed from the judgment of conviction, did	you raise this issue?
	(1) If you appealed from the judgment of conviction, did y Yes ♥ No □	you raise this issue?
	Yes 💆 No 🗆	
	Yes No (2) If you did not raise this issue in your direct appeal, exp	
,	Yes 💆 No 🗆	
	Yes 💆 No 🗆	
	Yes No (2) If you did <u>not</u> raise this issue in your direct appeal, exp Post-Conviction Proceedings:	plain why:
	Yes No (2) If you did <u>not</u> raise this issue in your direct appeal, exp	plain why:
	Yes No (2) If you did not raise this issue in your direct appeal, exp Post-Conviction Proceedings: (1) Did you raise this issue through a post-conviction moti	plain why:
	Yes No (2) If you did not raise this issue in your direct appeal, expended and the raise this issue in your direct appeal, expended and the raise this issue through a post-conviction motion and the raise this issue through a post-conviction motion and the raise this issue through a post-conviction motion and the raise this issue through a post-conviction motion and the raise this issue through a post-conviction motion and the raise this issue in your direct appeal, expended and the raise this issue in your direct appeal, expended and the raise this issue in your direct appeal, expended and the raise this issue in your direct appeal, expended and the raise this issue in your direct appeal, expended and the raise this issue in your direct appeal, expended and the raise this issue through a post-conviction motion and the raise this issue through a post-conviction motion and the raise this issue through a post-conviction motion and the raise this issue through a post-conviction motion and the raise this issue through a post-conviction motion and the raise this issue through a post-conviction motion are raise through a post-conviction motion and the raise through a post-conviction motion are raise through a post-conviction motion and the raise through a post-conviction motion are raise through a post-conviction motion and the raise through a post-conviction motion and th	plain why:
ננ	Yes No (2) If you did not raise this issue in your direct appeal, exp Post-Conviction Proceedings: (1) Did you raise this issue through a post-conviction motion Yes No (1) (2) If your answer to Question (d)(1) is "Yes," state: Type of motion or petition: (1) CEO Name and location of the court where the motion or petitic	on or petition for habeas corpus in a state trial court?
	Yes No C (2) If you did not raise this issue in your direct appeal, exp Post-Conviction Proceedings: (1) Did you raise this issue through a post-conviction motion Yes No C (2) If your answer to Question (d)(1) is "Yes," state: Type of motion or petition: PCPO Name and location of the court where the motion or petition Court of Connection of the court where the motion or petition court of the court where the motion of the court where court of the court of	on or petition for habeas corpus in a state trial court?

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(3) Did you receive a hearing on your motion or petition?	
Yes 🖸 No 🕱	그 사람들은 그 얼룩 맞는 것이다.
(4) Did you appeal from the denial of your motion or petiti	on?
Yes 💆 No 🛘	
(5) If your answer to Question (d)(4) is "Yes," did you rais	e this issue in the appeal?
Yes M No 🗆	
(6) If your answer to Question (d)(4) is "Yes," state:	
Name and location of the court where the appeal was filed:	SUBTION CONTOR DA -MIDALE
Docket or case number (if you know): 2148	404-2011
Date of the court's decision:	
Result (attach a copy of the court's opinion or order, if avai	lable):
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	THE PROPERTY OF THE PROPERTY O
(7) If your answer to Question (d)(4) or Question (d)(5) is "	No." explain why you did not raise this is
	, , , , o did not raise dus issue:
	The state of the s
	A STATE OF THE STA
Other Remedies: Describe any other procedures (such as h	aheas cornue administrati
lave used to exhaust your state remedies on Ground One.	
FILE PETITIAL FOR Allauma	o of Amoral LEIST DA
SUPLEME COUNT OF PA	
UND TWO: INEFFECTIVE ASSISTANCE	e at Conces
pporting facts (Do not argue or cite law. Just state the speci	Go Gots shot
CONSEL POILED TO CHAllenG	F The LEGALITY OF THE
STATUE THIS DETITIONER WAS C	Karlod Man
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AUTIES.	THE CONTINUE OF THE BAL.

(b) If you did not exhaust your state remedies on Ground Tw	Page 70, explain why:
(c) Direct Appeal of Ground Two:	A STATE OF THE STA
(1) If you appealed from the judgment of conviction, did Yes Y No	you raise this issue?
(2) If you did <u>not</u> raise this issue in your direct appeal, ex	
and also assue in your direct appeal, ex	plain why:
d) Post-Conviction Proceedings:	The state of the s
(1) Did you raise this issue through a past	
(1) Did you raise this issue through a post-conviction mot Yes ☑ No □	ion or petition for habeas corpus in a state trial court?
(2) If your answer to Question (d)(1) is "Yes," state:	
Type of motion or petition:	
Name and location of the court released	
_ COVOT OF COMMON PLOTS OF LOS	on was filed:
Docket or case number (if you know):	26 CO STOCE
Date of the court's decision:	36-62-3445-606
Result (attach a copy of the court's opinion or order, if avail	liable).
	114016):
(3) Did you receive a hearing on your motion or petition?	· · · · · · · · · · · · · · · · · · ·
Yes 🗆 No 🙇	
(4) Did you appeal from the denial of your motion or petitio	ng
Yes W No 🗆	
(5) If your answer to Question (d)(4) is "Yes," did you raise	this issue in the annual
I CO M NO CI	and in the appeal?
(6) If your answer to Question (d)(4) is "Yes," state:	
Name and location of the court where the anneal was filed.	Superior Court - Surger F
Covet of Pa	25 00000
Docket or case number (if you know): 2148-42	12-204
Date of the court's decision:	
Result (attach a copy of the court's opinion or order, if availa	
1)9101 - ONE 210 60	Disserville

	suon (d)(4) or Ouestion (d)(5) is "No" are leight
	stion (d)(4) or Question (d)(5) is "No," explain why you did not raise this issue:
(e) Other Remedies: Describ	is any other procedures (and
have used to exhaust your	e any other procedures (such as habeas corpus, administrative remedies, etc.) that state remedies on Ground Two:
	COLATION OF SINGE SUBSECT PULE
(a) Supporting facts (Do not arg	nue or cite law. Just state the specific facts that support your claim.): The fact of Laurence of the specific facts that support your claim.):
b) If you did not exhaust your st	ate remedies on Ground Three, explain why:
b) If you did not exhaust your st	ate remedies on Ground Three, explain why:
b) If you did not exhaust your st	ate remedies on Ground Three, explain why:
b) If you did not exhaust your st	ate remedies on Ground Three, explain why:
c) Direct Appeal of Ground T	hree:
c) Direct Appeal of Ground T	hree:
c) Direct Appeal of Ground T	hree: judgment of conviction, did you raise this issue?
Direct Appeal of Ground T (1) If you appealed from the Yes No	Three: judgment of conviction, did you raise this issue?
c) Direct Appeal of Ground T (1) If you appealed from the Yes <table-cell> No 🗆</table-cell>	hree: judgment of conviction, did you raise this issue?
c) Direct Appeal of Ground T (1) If you appealed from the Yes <table-cell> No 🗆</table-cell>	Three: judgment of conviction, did you raise this issue?
Direct Appeal of Ground T (1) If you appealed from the Yes No (2) If you did not raise this is	Three: judgment of conviction, did you raise this issue? sue in your direct appeal, explain why:
c) Direct Appeal of Ground T (1) If you appealed from the Yes No (2) (2) If you did not raise this is: (2) Post-Conviction Proceedings (1) Did you raise this issue this	Three: judgment of conviction, did you raise this issue? sue in your direct appeal, explain why:
C) Direct Appeal of Ground T (1) If you appealed from the Yes No (2) If you did not raise this is: (2) Post-Conviction Proceedings (1) Did you raise this issue the Yes No (2) No (3) Post-Conviction Proceedings	Three: judgment of conviction, did you raise this issue? sue in your direct appeal, explain why: :: rough a post-conviction motion or petition for habeas corpus in a state trial court?
c) Direct Appeal of Ground T (1) If you appealed from the Yes No (2) (2) If you did not raise this is: (2) Post-Conviction Proceedings (1) Did you raise this issue this	Three: judgment of conviction, did you raise this issue? sue in your direct appeal, explain why: :: rough a post-conviction motion or petition for habeas corpus in a state trial court?

Docket or case number (if you know):	19-36-CR-5995-2006
Date of the court's decision:	- CF V 113 000
Result (attach a copy of the court's opinion or or	rder, if available)
Devid	avaitable):
(3) Did you receive a hearing on your motion or	netition?
Yes 🖸 No 🗖	Permont
(4) Did you appeal from the denial of your motio	OR Or netition?
Yes 🕻 No 🗆	Poutton:
(5) If your answer to Question (d)(4) is "Yes," di	d you raise this issue is at
Yes 🗆 No 🗅	a you raise this issue in the appeal?
(6) If your answer to Question (d)(4) is "Yes," sta	nta.
Name and location of the court where the annual	
Supolise Court at	DA - MINALE Xety
Docket or case number (if you know)	2148-484-2011
Date of the court's decision:	21 18 - 10 1
Lesult (attach a copy of the court's opinion or ord	
(d)(4) or Question (d)(4) or Question ((d)(5) is "No," explain why you did not raise this issue:
ther Remedies: Describe any other procedures (such as habeas corpus, administrative remedies, etc.) that
ve used to exhaust your state remedies on Ground	d Three:
ND FOUR:	
porting facts (Do not argue or cite law. Just state	the specific facts that support your claim).
SZC XTIMELTED	MEMORADUM & LOW

	Page 1
b) If you did not exhaust your state remedies on Ground Fou	Ir. explain whee
c) Direct Appeal of Ground Four:	
(1) If you appealed from the judgment of conviction, did	you raise this issue?
Yes 🕱 No 🗅	
(2) If you did not raise this issue in your direct appeal, ex	splain why:
) Post-Conviction Proceedings:	
(1) Did you raise this issue through a post-conviction mot	tion or netition for habess some in a day.
Yes 🕱 No 🗆	or position for habeas corpus in a state trial court?
(2) If your answer to Question (d)(1) is "Yes," state:	
Type of motion or petition: PCRA	
Name and location of the court where the motion or petitic County pleas & L Docket or case number (if you know):	on was filed: ANCASTEN COUNTY PA -Cl-5998 7006
Date of the court's decision:	
Result (attach a copy of the court's opinion or order, if ave	
ATTACHED)	
	4. (S.M. 8.8) 15 1 2 2 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
(3) Did you receive a hearing on your motion or petition?	
Yes 🗆 No 🗖	
(4) Did you appeal from the denial of your motion or petiti	ion?
Yes 🔯 No 🖸	
(5) If your answer to Question (d)(4) is "Yes," did you rais	se this issue in the anneal?
Yes 🔾 No 🔾	
(6) If your answer to Question (d)(4) is "Yes," state:	
Name and location of the court where the appeal was filed. Son each Carl a	PA - MODOLE DEDW
	148-MDA-2011
Date of the court's decision:	
Result (attach a copy of the court's opinion or order, if ava	iilable);

	Page
(7) If your answer to Question (d)(4) or Question	(d)(5) is "No," explain why you did not raise this issue:
	oxplain why you did not raise this issue:
Other Remedies: Describe any other procedures	(such as habeas corpus, administrative remedies, etc.) that yo
have used to exhaust your state remedies on Groun	de Four-
Please answer these additional	
Please answer these additional questions about the	petition you are filing:
having invitation of the state	d in this petition been presented to the highest state court
Tes M 140 T	
If your answer is "No," state which grounds ha	we not been so presented and give your reason(s) for not
presenting them:	- 9-1-0 Jour 10000W(2) IOL HOL
b) Is there any ground in this petition that has not b	een presented in some state or federal cours? IS
b) Is there any ground in this petition that has not b round or grounds have not been presented, and stat	seen presented in some state or federal court? If so, which
b) Is there any ground in this petition that has not be round or grounds have not been presented, and stat	een presented in some state or federal court? IS
b) Is there any ground in this petition that has not be round or grounds have not been presented, and stat	seen presented in some state or federal court? If so, which
b) Is there any ground in this petition that has not be round or grounds have not been presented, and stat	neen presented in some state or federal court? If so, which the your reasons for not presenting them:
b) Is there any ground in this petition that has not be round or grounds have not been presented, and state the following the state of petition, applied any type of petition, applied	neen presented in some state or federal court? If so, which the your reasons for not presenting them:
b) Is there any ground in this petition that has not be round or grounds have not been presented, and state the following state of petition, applicate you previously filed any type of petition, applicate you challenge in this petition?	een presented in some state or federal court? If so, which the your reasons for not presenting them:
b) Is there any ground in this petition that has not be round or grounds have not been presented, and state when the state of the state	cation, or motion in a federal court regarding the conviction
b) Is there any ground in this petition that has not be round or grounds have not been presented, and state when the state of the state	cation, or motion in a federal court regarding the conviction
ave you previously filed any type of petition, applied at you challenge in this petition? Yes \(\text{No} \) No "Yes," state the name and location of the court, the ised, the date of the court's decision, and the result any of any court or interest of the court of any court or interest of the court's decision, and the result of any court or interest of the court's decision, and the result of any court or interest of the court's decision, and the result of any court or interest or	cation, or motion in a federal court regarding the conviction are docket or case number, the type of proceeding, the issues for each petition, application, or motion filed. Attach a
ave you previously filed any type of petition, applied at you challenge in this petition? Yes \(\text{No} \) No "Yes," state the name and location of the court, the ised, the date of the court's decision, and the result any of any court or interest of the court of any court or interest of the court's decision, and the result of any court or interest of the court's decision, and the result of any court or interest of the court's decision, and the result of any court or interest or	cation, or motion in a federal court regarding the conviction
ave you previously filed any type of petition, applied at you challenge in this petition? Yes \(\text{No.12} \) No "Yes," state the name and location of the court, the ised, the date of the court's decision, and the result	cation, or motion in a federal court regarding the conviction are docket or case number, the type of proceeding, the issues for each petition, application, or motion filed. Attach a
ave you previously filed any type of petition, applied at you challenge in this petition? Yes \(\text{No.12} \) No "Yes," state the name and location of the court, the ised, the date of the court's decision, and the result	cation, or motion in a federal court regarding the conviction are docket or case number, the type of proceeding, the issues for each petition, application, or motion filed. Attach a
ave you previously filed any type of petition, applied at you challenge in this petition? Yes \(\text{No.12} \) No "Yes," state the name and location of the court, the ised, the date of the court's decision, and the result	cation, or motion in a federal court regarding the conviction are docket or case number, the type of proceeding, the issues for each petition, application, or motion filed. Attach a
ave you previously filed any type of petition, applied at you challenge in this petition? Yes \(\text{No.12} \) No "Yes," state the name and location of the court, the ised, the date of the court's decision, and the result	cation, or motion in a federal court regarding the conviction are docket or case number, the type of proceeding, the issues for each petition, application, or motion filed. Attach a

Page	1:

	Do you have any petition or appeal now pending (filed and not decided yet) in any court, either state or fed for the judgment you are challenging? Yes No No No.				
٠.	If "Yes," state the name and location of the court, the docket or case number, the type of proceeding, and the issues raised				
	issues raised				
.	Give the name and address, if you know, of each attorney who represented you in the following stages of the				
	judgment you are challenging:				
	(a) At preliminary hearing:				
((b) At arraignment and plea:				
((c) At trial:				
-	(d) At sentencing				
•	(d) At sentencing:				
-					
ľ	(e) On appeal:				
-					
()	f) In any post-conviction proceeding: VIN CENT J. GUINN, C30				
1	134 / PROTTULE PICE LANCABRER, PA-17601				
(8	g) On appeal from any ruling against you in a post-conviction proceeding.				
_	VINCENT J. QUINN, EX				
D	Do you have any future sentence to serve after you complete the sentence for the judgment that you are				
cł	hallenging? Yes \(\sigma\) No \(\sigma\)				
	a) If so, give name and location of court that imposed the other sentence you will serve in the future:				
•	be a sentence you will serve in the future:				
(b	o) Give the date the other sentence was imposed:				
v,	c) Give the length of the other sentence:				

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* The Antiterrorism and Effective Death Penalty Act of 1996 ("AEDPA") as contained in 28 U.S.C. § 2244(d) provides in part that:

(1) A one-year period of limitation shall apply to an application for a writ of habeas corpus by a person in custody pursuant to the judgment of a State court. The limitation period shall run from the latest of —

(A) the date on which the judgment became final by the conclusion of direct review or the expiration of the time for seeking such review:

(B) the date on which the impediment to filing an application created by State action in violation of the Constitution or laws of the United States is removed, if the applicant was prevented from filing by such state action;

(C) the date on which the constitutional right asserted was initially recognized by the Supreme Court, if the right has been newly recognized by the Supreme Court and made retroactively applicable to cases on collateral review; or

(D) the date on which the factual predicate of the claim or claims presented could have been discovered through the exercise of due diligence.

(2) The time during which a properly filed application for State post-conviction or other collateral review with respect to the pertinent judgment or claim is pending shall not be counted toward any period of limitation under this subsection.

Therefore, petitioner asks that the Court grant	the following relief: TIS JUSTAUS FAIL- DECLARE STAILE
18 Pacc-SAL SILI UNCONSTRO	STONAL - VAGUE IN STRUCTURE
or any other relief to which petitioner may be e	
	Signature of Attorney (if any)
I declare (or certify, verify, or state) under pena Petition for Writ of Habeas Corpus was placed	alty of perjury that the foregoing is true and correct and that this in the prison mailing system on
	(month, date, year).
Executed (signed) on 10-25-13	(date).
	In the
	Signature of Petitioner
-	tionship to petitioner and explain why petitioner is not signing
his petition.	

IN THE UNITED STATES DISTRICT COURT MIDDLE DISTRICT OF PENNSYLVANIA

LEVI LAPP STOLTZFOOS Petitioner

Docket No.

Judge:

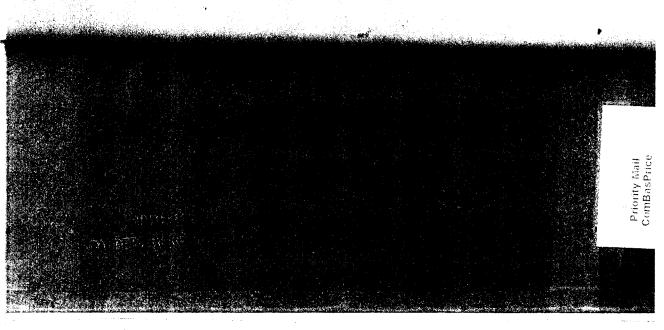
JOHN E. WETZEL, SECRETARY, et al.,

NOTICE OF ELECTION

I, Levi Lapp Stoltzfoos, hereby elect to proceed with the within Petition For Writ of Habeas Corpus as filed. In the event of newly obtained evidence, or additional legal support through research, this Petitioner reserves the right to amend the filing.

Respectfully submitted:

Levi Lapp Stoltzfoos



Levi Lapp Stoltzfoos

Number HR-7274

Name __

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Coal Township, PA 17866-1021

Legal Mail

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